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PATENT APPLICATION

1765#
05-10-01
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: S. Weinstein
E. MICHAEL ACKLEY, JR., ET AL.)
: Group Art Unit: 1761
Application No.: 09/479,549)
:
Filed: January 7, 2000)
:
For: METHOD TO PRINT) Date: May 4, 2001
MULTICOLOR IMAGES :
ON EDIBLE PIECES)

Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In an Office Action dated April 6, 2001, the Examiner has required applicants to elect one of the following allegedly distinct Groups for prosecution on the merits:

Group I, Claims 1-16 and 27-32, drawn to a method of printing edibles;

Group II, Claims 17-22 and 33-45, drawn to an apparatus for printing edibles;

Group III, Claims 23-26, drawn to an edible; and

Group IV, Claims 47-58, drawn to a carrier bar for carrying edibles.

Applicants elect Group I, for prosecution on the merits, with traverse.

The Examiner further requires applicants to elect among allegedly distinct species:

Species I, directed to apparatus and methods wherein the articles are held by differential pressure; and

Species II, directed to apparatus and methods wherein the articles are held by a retaining member.

Applicants elect Species I, with traverse. In Group I, claims 1-4 and 9-12 are readable on the elected species. No claim is generic.


REMARKS

Applicants submit that a complete search of the method set forth in the claims of Group I requires a search and consideration of the prior art relevant to the apparatus claimed in Group II. The claim limitations are very similar between the two groups, and accordingly, examination of the Groups together would not pose an undue burden on the Examiner. The number of allegedly independent Groups and Species in this application is unreasonably large. Applicants respectfully request that at least Groups I and II

(the method and corresponding apparatus) be examined together to prevent duplicated effort in the prosecution process.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should be directed to our new address given below.

Respectfully submitted,



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